

EDWIN K. PRATHER (SBN. 190536)  
CLARENCE & DYER LLP  
899 Ellis Street  
San Francisco, California 94109  
Telephone: 415.749.1800  
Facsimile: 415.749.1694  
Email: [eprather@clarencedyer.com](mailto:eprather@clarencedyer.com)

Attorneys for Defendant Asaf Nass

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
AMIT M. EZYONI, et al.,  
  
Defendants.

Case No.: CR 07-0788 JF

**STIPULATION AND [PROPOSED]  
ORDER MODIFYING ASAF NASS'  
TERMS AND CONDITIONS OF  
RELEASE**

On January 23, 2008, this Court released defendant Asaf Nass on certain terms and conditions including a \$250,000 bond. The specifics of the bond were that: \$50,000 was unsecured; \$100,000 was secured by cash from Nazgol Ashouri, Mr. Nass' surety and custodian; and the remaining \$100,000 would be secured by equity in Mr. Nass' property at 2484 Stokes Avenue in San Jose, California. The Court provided Mr. Nass a period of time within which to post the encumbrance in the Stokes Avenue property.

After Mr. Nass' release, the Stokes Avenue property was appraised. Due to the depressed housing market, the property did not appraise above the \$100,000 that was contemplated by the parties at the January 23, 2008 hearing. Therefore, in order to allow Mr. Nass to remain out of custody, defense counsel and the government have negotiated alternative conditions of release for

1 the Court's approval:

2 The aforementioned \$250,000 bond shall remain unchanged. The bond shall be  
3 unsecured in the amount of \$85,000. The bond shall continue to be secured by \$100,000 in cash  
4 from Ms. Ashouri. The bond shall be secured by \$40,000 in cash from Mr. Nass consisting of  
5 Mr. Nass' own money transferred from Israel and from money borrowed from a family member.  
6 The final \$25,000 shall be secured in equity in Mr. Nass' condominium near Austin, Texas. Mr.  
7 Nass will post the \$40,000 in cash to the Clerk of Court on or before February 29, 2008, and will  
8 post the encumbrance to his Texas property on or before March 14, 2008.

10 The hearing currently set for February 28, 2008 at 1:30 p.m., for a status check on Mr.  
11 Nass' property posting shall be continued to March 20, 2008, at 1:30 p.m. This date shall be  
12 vacated once Mr. Nass posts the Texas property.

14 Additionally, Mr. Nass requests that he be allowed to travel to other locations within  
15 California for the continuing operation of his moving business. The government does not object  
16 to this modification. As such, Mr. Nass shall have the ability to travel within the State of  
17 California with the pre-approval of Pretrial Services.

18 Ms. Ashouri has been notified of the above modifications to the terms and conditions of  
19 release and appearance of Mr. Nass. Mr. Ashouri consents to the modifications.

21 All other terms and conditions of release and appearance from the Court's January 23,  
22 2008 order shall remain unchanged.

23 IT IS SO ORDERED.

24 Dated: February\_\_\_\_\_, 2008

25  
26 \_\_\_\_\_  
HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE  
27  
28

1 Approved as to form:

2 /s/: Edwin K. Prather

3 EDWIN K. PRATHER

4 Attorneys for Defendant Asaf Nass

5 JEFF NEDROW

6 Assistant United States Attorney

## Proof of Service

I, Stephanie Chan, declare as follows:

I am over eighteen years of age and not a party to the within action; my business address is 899 Ellis Street, San Francisco, California 94109; I am employed in the County of San Francisco.

On February 22, 2008, I served a copy, with all exhibits, of the following documents:

- STIPULATION AND [PROPOSED] ORDER FOR MODIFICATION TO DEFENDANT ASAF NASS' TERMS AND CONDITIONS OF RELEASE

  X   (BY FAX) By transmitting by facsimile machine to the number addressed as below; the facsimile machine I used complied with California Rules of Court, rule 2003 and no error was reported by the machine. Pursuant to California Rules of Court, rule 2006(d), I caused the machine to print a transmission record of the transmission.

  X   (BY MAIL) I am readily familiar with my employer's practices for collection and processing of correspondence for mailing with the United States Postal Service. Following ordinary business practices and placing a true copy of the above-referenced document(s) enclosed in a sealed envelope, with postage fully prepaid, in the United States mail at San Francisco, California, addressed as below:

  X   (BY ELECTRONIC SERVICE) I caused an electronic delivery subject to 28 U.S.C ¶1746, Local Rules or General Orders of this Court regarding Electronic Case Filing. All pleadings and papers must be electronically served in accordance with those Rules or General Orders with email address(es) as noted below:

Via Email Jeff Nedrow United States Attorneys Office Northern District of California 150 Almaden Blvd, Ste. 900 San Jose, CA 95113 Email: <a href="mailto:jeff.nedrow@usdoj.com">jeff.nedrow@usdoj.com</a>	Via Email Garrrick S. Lew 600 Townsend Street, Suite 329E San Francisco, CA 94103 Fax: (415) 522-1506 Email: <a href="mailto:gsl@defendergroup.com">gsl@defendergroup.com</a> Attorney for Limor Gefe
VIA FACSIMILE Jaime Chrranza Pretrial Services 280 South First Street, Suite 1150 San Jose, CA 95113-3002 Fax: (408) 535-5227	Via Email Steven E. Chaykin Akerman Senterfitt One S.E. 3 <sup>rd</sup> Avenue, 25 <sup>th</sup> Floor Miami, FL 33131-1714 Email: <a href="mailto:Steven.Chaykin@Akerman.com">Steven.Chaykin@Akerman.com</a> Attorney for Randy Golberg
Via Email Ronald Gainor 6414 Fairways Drive Longmont, CO 80503 Fax: (303) 447-0930 Email: <a href="mailto:gains_2000@hotmail.com">gains_2000@hotmail.com</a> Attorney for Brandi C. Aycock Admitted <i>pro hac vice</i>	Via Email Jerry Y. Fong Carey & Carey 706 Cowper Street PO BOX 1040 Palo Alto, CA 94302-1040 Fax: (650) 853-3632 Email: <a href="mailto:jf@careyandcareylaw.com">jf@careyandcareylaw.com</a> Attorney for Brandi C. Aycock

1 2 3 4	Via Fax Mark A. Arnold Rose & Arnold 45 East Julian Street San Jose, CA 95112 Fax: 408-286-9155 Attorney for David R. Lamondin	Via Mail Michael D. Orenstein 3864 Sheridan Street Hollywood, FL 33021 Attorney for Matthew D. Sandomir
5 6 7	Via Email Hugh Anthony Levine 345 Franklin Street San Francisco, CA 94102 Fax: (415) 255-7264 Email: <a href="mailto:halesq@ix.netcom.com">halesq@ix.netcom.com</a> Attorney for Stuart H. Sheinfeld	Via Fax Michael J. Sacks Brush & Sacks 7210 Wisteria Avenue Parkland, FL 33076 Fax: (954) 575-8041 Attorney for Carol Haeussler
8 9 10 11 12	Via Email Lara Suzanne Vinnard Federal Public Defender San Jose 160 West Santa Clara St., Suite 575 San Jose, CA 95113 Email: <a href="mailto:lara_vinnard@fd.org">lara_vinnard@fd.org</a> Attorney for Christopher A. Sariol	Via Email Vicki H. Young Law Offices of Vicki H. Young 7016 Cowper Street, Suite 202 Palo Alto, CA 94301 Email: <a href="mailto:vickihyoung@yahoo.com">vickihyoung@yahoo.com</a> Attorney for Eduardo A. Subirats

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on the above stated date.

/s/: Stephanie Chan  
Stephanie Chan